

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

AIR BURNERS, INC.,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, et al.,

Respondents.

Case No. 24-1203

JOINT MOTION TO CONTINUE ABEYANCE

Pursuant to the Court’s December 18, 2024 Order, Respondents the United States Environmental Protection Agency and Lee Zeldin, Administrator, U.S. EPA (“EPA”) and Petitioner Air Burners, Inc. (“Air Burners”) jointly request that the Court continue to hold this case in abeyance pending settlement discussions between the Parties.

On April 17, 2024, EPA issued a final rule, titled “Other Solid Waste Incinerators; Air Curtain Incinerators Title V Permitting Provisions,” 89 Fed. Reg. 27,392. On June 17, 2024, Air Burners filed its Petition for Review challenging the final rule. The Parties filed a first Joint Motion to Hold Proceedings in Abeyance on July 17, 2024, requesting that the Court hold these proceedings in abeyance while the Parties explore the possibility of settlement. Doc. No. 2065236. The Court

granted this request on July 23, 2024, and ordered the Parties to file motions to govern future proceedings in this case by September 17, 2024. Doc. No. 2066145. The Court subsequently granted three additional Joint Motions to Continue Abeyance, and the Parties' current deadline to file motions to govern future proceedings is June 16, 2025. Doc Nos. 2075188, 2090064, 2105897.

The Parties continue to explore the possibility of settlement and believe that being given additional time to resolve this matter is in the interest of judicial economy and would preserve the resources of the Court and the Parties.

The Parties propose that by September 15, 2025, the Parties file a status report updating the Court as to the status of the Parties' settlement discussions.

For the foregoing reasons, the Parties respectfully request that this Court grant this motion and hold the case in abeyance pending the Parties' settlement discussions.

Respectfully submitted,

/s/ Laura J. Glickman

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Date: June 16, 2025

CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Appellate Procedure 25(d) and D.C. Circuit Rule 25(a), I hereby certify that I have this day caused the foregoing Joint Motion to Continue Abeyance to be delivered electronically through CM/ECF on all ECF registered counsel of record.

Date: June 16, 2025

Respectfully submitted,

/s/ Laura J. Glickman

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CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT

Counsel hereby certifies, in accordance with Federal Rules of Appellate Procedure 32(g)(1) and 27(d)(2)(A), that the foregoing Joint Motion to Continue Abeyance contains 274 words, as counted by counsel's word processing system, and thus complies with the 5,200 word limit.

Further, this document complies with the typeface and type-style requirements of Federal Rule of Appellate Procedure 32(a)(5) & (a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word 2010 using size 14 Times New Roman font.

Date: June 16, 2025

Respectfully submitted,

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